

The Arab Refugee Paradox

An overview of refugee legislations in the Arab Middle East

LAURA EL CHEMALI — 14 November, 2016



According to the United Nations High Commissioner for Refugees (UNHCR), Egypt, Iraq, Lebanon and Jordan host some of the largest numbers of refugees in the world. However, among the Arab states, only Egypt and Yemen have signed the Geneva Convention of 1951 on the status of refugees. While nation states in the West have long offered the possibility of full citizenship to immigrants and refugees, it is surprising that the ‘Arab Unity’ model idealised by important Arab political leaders such as Gamal Abdel Nasser in Egypt, Hafez Al-Assad in Syria or Saddam Hussein in Iraq did not envision a form of permanent incorporation of other Arabs into any part of the ‘Arab Nation’. The Arab Unity model refers also to Pan-Arabism or Arabism that is an

ideology focusing on the unification of the countries of North Africa and West Asia – the Arab world. It is closely connected to Arab nationalism, which asserts that the Arab constitute a single nation. Advocates of pan-Arabism have often hold up to socialist principles and strongly opposed Western political involvement in the Arab world. Moreover, it sought to empower Arab states from outside forces by forming alliances and, to a lesser extent, economic co-operation. Paradoxically, the Arab Unity framework, which has endured to this day, encourages Arab citizens of other states to have a stake in a supranational Arab identity without offering a coherent legal and political framework for the protection and integration of Arab refugees (further discussion [here](#)).

The 1951 Convention, which was drafted in the aftermath of World War II and the first Arab-Israeli conflict, emphasizes the protection of persons from political or other forms of persecution. According to the Convention, a refugee is a person, who is unable or unwilling to return to his country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. The Convention is both a status and rights-based instrument and is underpinned by a number of fundamental principles, most notably non-discrimination, non-penalization and non-refoulement.

Nevertheless, the reluctance of the Arab countries to adhere to the Convention of 1951 is a major obstacle to govern the movement of people in the region that has taken unprecedented dimensions with far reaching consequences for Europe, its neighbourhood and the Arab states themselves.

The European Union – in search of a solution to the so called refugee and migration crisis – has on several occasions urged its Arab partner states to sign the Geneva Convention of 1951 in order to ‘legalize’ readmission agreements with the southern neighbourhood countries – hitherto without success. Most countries of the regions face tremendous problems with regard to infrastructure, education, health care services and job opportunities, that they are simply not in the position to meet the requirement set in the Convention on the protection of refugees.

While regional conventions dealing with refugees in the Arab world have actually been developed, they have only scarcely been implemented. In the context of the first *Intifada* (1987-1994), two regional meetings were held with the intention to explore solutions and develop mechanisms to help host Arab countries to deal with the situation of increasing refugee flows. These regional meetings resulted in the draft of two main documents: (1) The Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab World that was adopted in November 1992 and (2) the Arab Convention on Regulating the Status of Refugees in the Arab Countries adopted by the Arab League in 1994. While these regional agreements target important problems of the refugee issue in the Middle East and foresee some relevant solutions – for example the establishment of an Arab institution for refugees – these objectives have mostly not been achieved.

Moreover, many Arab countries – in order to protect their own societies – do not have domestic laws governing the status of refugees. Indeed, with the exception of Jordan, none of the Arab states has – for political reasons – offered the possibility of naturalisation and permanent citizenship rights (for an overview see [here](#)). Thus, most refugees in Middle

Eastern countries struggle to survive, face obstacles sending their children to school and are obliged to turn to illicit activities reinforcing in return discriminatory actions by the host states.

Although Lebanon for example hosts a considerable number of Palestinian, Iraqi and Syrian refugees, the country is neither a state party to the 1951 Geneva Convention nor to its additional protocol of 1967. Lebanese politicians have to face the fear deeply engrained in Lebanese society that attributing a 'legal' status to refugees will increase the competition between Lebanese citizens and refugees with regard to jobs, education, health and social-welfare services. This attitude goes back to the *Nakba* causing the influx of thousands of Palestinians to other Arab countries, especially Lebanon. The term *Nakba* means "disaster" or "catastrophe" and refers to the Palestinian exodus of 1948 when more than 700,000 Palestinian Arabs needed to flee or were expelled from their homes, because of the first Arab-Israeli war between December 1947 and January 1949 (more [here](#)).

One major contradiction at the centre of the refugee issue in the Middle East resides in the opposition between the ideal of the supranational Arab Nation and its framework of cooperation and interaction among Arab peoples on the one hand and the system of sovereign nation-states defined by geopolitical borders that structure people's movement on the other hand.

The European Union as well as researchers and advocates from Western institutions have tried to encourage Arab states to expand their international legal obligations toward refugees in their borders — especially, through the promotion of the 1951 Convention as a tool for refugee

protection. However, seeing the local conditions in the Arab countries, it seems difficult to oblige these states to adhere to the 1951 Convention in any near future.

Given the lack of legal structures, there is a need for more profound solutions. These need to include both top-down and local bottom-up approaches to ensure a better integration of refugees in their Arab host societies:

- First of all, there is a need for a mentality change within governments. The large number of refugees should be perceived as a chance rather than a burden. On the one hand, host countries receive an increased amount of financial support from the international community that can serve their long-term development. On the other hand, studies have shown that large refugee populations offer opportunities for host countries both with regard to production and as consumers.
- To reap these opportunities, governments should develop proper legal frameworks allowing refugees to work in order to avoid the creation of parallel structures, forcing them into criminal actions or to work on the black market. Moreover, governments need to ensure that young refugees have access to education in order to forestall the creation of “lost generations” that will in the future create even higher costs – both socially and financially – for the host countries.
- Aside from this top-down approach, civil society needs to be involved in efforts to cope with the refugee situation. In Lebanon, for example, many civil society organisations are conducting job trainings, “start-up” workshops for small businesses and job-market insertion programs for refugees. This ensures that refugees are increasingly independent from financial support provided by the governments or international donors and can contribute to the economic development of host countries.
- Civil society organisations should also take on the responsibility to ‘educate’ the public and state officials about their states’ obligations as signatories to the Convention, and about the human rights situations in their own and other host countries.

Educating people might make them more familiar with their countries theoretical obligations under international and regional law.

- Overall, there is a need towards a more coordinated approach between governments, local organisations and Arab legal experts through technical discussions as a means to develop a more comprehensive national strategy for an equal treatment of refugees in the host societies.

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